

### **REMARKS**

In view of the following remarks, the Examiner is requested to allow Claims 1-5, 7-11 and 18-20, the only claims pending and under examination in this application.

#### ***Formal Matters***

This amendment is being filed after the Board decision dated September 18, 2007, in which the rejection of Claims 2-5, 7-11 and 18-20 were reversed and a new ground for rejection for Claim 1 was made.

Claim1 has been amended to specify that the power of the interrogating light is decreased for a first site during a row scan of the interrogating light based on location of the first site (see amended step (c), above). Support for this amendment can be found throughout the specification (e.g., from page 8, line 7 to page 9, line 5; page 12, lines 25-30).

As no new matter has been added by way of these amendments, the Applicants respectfully request entry thereof by the Examiner.

#### ***Rejections Reversed - 35 U.S.C. §103***

The Board has reversed the rejection of Claims 2-5 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over the combination of Bengtsson and Rava.

The Board has reversed the rejection of Claims 7-11 under 35 U.S.C. §103(a) as being unpatentable over the combination of Bengtsson, Rava and Lehman.

#### ***New Rejection - 35 U.S.C. §103***

The Board asserts that Claim 1 is obvious under 35 U.S.C. 103(a) over Bengtsson (US 6,078,390) in view of Rava et al. (US 5,874,219).

The Board states that this is a "New Rejection" because the reasoning is different from that of the Examiner.

In making this rejection, the Board states that "[w]e find no requirement in Appellants' claim 1 that requires the interrogating light to vary during the scanning operation." In addition, the Board argues that low-power scanning to ascertain the position of an array (as assertedly taught in Bengtsson) reads on the claimed invention because one could start such a process at a location outside the area occupied

by the array.

In response, Applicants have amended independent Claim 1 to specify an array scanning method that includes decreasing power of the interrogating light for a first site on the array package during a row scan of the interrogating light based on location of the first site, wherein the first site is outside an area occupied by the array. This amendment makes clear that: (1) the power decrease occurs during the scanning of a row, and (2) that the decrease in power at the first site is based on the location of the first site.

In reciting the reasoning that Claim 7 is patentable over Bengtsson, Rava and Lehman, the Board states that "the Examiner has failed to identify, and we do not find, a teaching in Bengtsson that the power of the interrogating light is altered based on either the location of the first site, or on a determination that the emitted signal from the first site will be outside a predetermined range absent the altering."

Therefore, the Applicants submit that because Claim 1 now specifies that the interrogating light power is altered based on the location of the first site, it is patentable over Bengtsson and Rava for the reason detailed by the Board in its decision.

Accordingly, the Applicants respectfully request withdrawal of this new rejection.

**CONCLUSION**

In view of the amendments and remarks above, the Applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 833-7770.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078, reference no. 10992125-2.

Respectfully submitted,

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